

CHERYL BOWDEN-WALKER

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHERYL BOWDEN-WALKER

PLAINTIFF

VS.

CIVIL ACTION NO. : 3:14cv917-CWR-FKB

WAL-MART STORES EAST, LP

DEFENDANT

DEPOSITION OF CHERYL BOWDEN-WALKER

taken on Wednesday, October 21st, 2015,
commencing at approximately 11:00 a.m.
at the River Hills Club
3600 Ridgewood Drive
Jackson, Mississippi

REPORTED BY: BECKY LYNN LOGAN, RPR, CCR #1750
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EXHIBIT

1

LOGAN REPORTING
601-622-7622

ORIGINAL

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1 CHERYL BOWDEN-WALKER

2 after having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. CUPP:

6 Q. Good morning, Ms. Walker. My name is Steve
7 Cupp. I represent Walmart in this case that you have
8 filed against the company. We have had a chance to meet
9 briefly off the record just now, correct?

10 A. Just now, yes.

11 Q. We are on the record now.

12 A. Okay, yes, correct.

13 Q. And this is, of course, the first time we have
14 met. Have you ever had your deposition taken before?

15 A. I have.

16 Q. When was that?

17 A. I believe it was about -- I can't tell you the
18 year. I know it was anywhere between 2003 and 2005,
19 between that time frame.

20 Q. What kind of case was that?

21 A. It was a worker's comp claim.

22 Q. Were you working for Walmart at the time?

23 A. No, sir.

24 Q. When did you begin working at Walmart?

25 A. March of 2012.

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1 Q. And you were discharged, if I'm not mistaken,
2 December 23rd, 2013?

3 A. Yes, sir.

4 Q. We're going to talk about that obviously a
5 little bit more in detail as we go along, but I just
6 wanted to get those dates correct. When you were hired
7 with Walmart, what position were you hired into?

8 A. Asset protection manager.

9 Q. Was that at store 903?

10 A. That's correct.

11 Q. I know at the time that Eddie Robinson was the
12 store manager; is that correct?

13 A. That's correct.

14 Q. And who was your MAPM?

15 A. We had two. I started out with a Ms. Angie
16 Randall, and -- I'm trying to remember the gentleman's
17 name.

18 Q. It was a gentleman?

19 A. Yes. It was a man when I left.

20 Q. So Angie left sometime during the time that you
21 were there?

22 A. She took a different position, actually, to
23 store 903 as a co-manager.

24 Q. And I believe you are -- Well, for purposes of
25 the record, let's just make it clear. A MAPM - and

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1 A. No.

2 Q. So you have produced everything that you
3 recorded?

4 A. Yes, sir.

5 Q. And I listened to that. I think it's close to
6 two hours, by the time you go all through everything, or
7 an hour and 45. Have you listened to it recently?

8 A. Not recently, but I have reviewed it.

9 Q. Now, you started in March 2012, and you were
10 the asset protection manager?

11 A. Yes.

12 Q. And then I know you went to another store as an
13 assistant manager?

14 A. Yes, sir, I was promoted.

15 Q. And that was in March of 2013?

16 A. Correct.

17 Q. I think Walmart has sort of the standard one
18 year in the position before you can move on; is that
19 correct?

20 A. That's correct.

21 Q. So in March of 2013, you went as an assistant
22 manager where?

23 A. At the store 365 in Pearl, Mississippi.

24 Q. And when you got there, Luke Gleason was your
25 manager, correct?

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1 that you testified about earlier, have you ever been a
2 plaintiff in a lawsuit?

3 A. No.

4 Q. And I'm not talking about, of course, in the
5 domestic stuff like divorces or whatnot because you
6 always have a plaintiff and a defendant there.

7 A. Right.

8 Q. But have you ever sued an employer before?

9 A. No, not other than the worker's comp for the
10 company that I did back then.

11 Q. What is the name of that company? Who is that?

12 A. Is it okay to divulge that?

13 Q. Just for --

14 MR. CUPP: Nick, I don't think there's a
15 problem naming the defendant in the worker's comp case
16 that she sued. It was so long ago, it's not going to
17 make a difference.

18 A. Okay, it was the YMCA.

19 BY MR. CUPP:

20 Q. I was thinking that could have been it because
21 I knew you worked at the YMCA.

22 A. Uh-huh.

23 Q. In this case, Ms. Walker, you are suing Walmart
24 for violations of the Americans with Disabilities Act;
25 is that correct?

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1 A. That's correct.

2 Q. And what specifically do you allege against
3 Walmart in that regard?

4 A. That they did not meet my accommodations, and
5 they forced me to work against the accommodations that
6 were set forth. And I don't believe that they took to
7 do due diligence in facilitating getting my
8 accommodations in place prior, you know, to putting me
9 back to work at that capacity.

10 Q. And you are alleging against the company
11 retaliation under the Family and Medical Leave Act?

12 A. I'm not sure about retaliation against the
13 Family and Medical Leave Act because FMLA was granted,
14 and I had no problems with FMLA.

15 Q. And, again, I know your attorneys put these
16 together, but do you allege that Walmart terminated you
17 in retaliation for you taking leave?

18 A. The best way to -- I don't know how to answer
19 that. Can you restate it?

20 Q. Yes. Are you alleging against Walmart that one
21 of the reasons Walmart wanted to discharge you is
22 because you took that leave of absence?

23 A. I believe that Walmart wanted to get rid of me
24 because I had that accommodation in place.

25 Q. Did anybody ever tell you that they were upset

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1 correct?

2 A. Yes, sir.

3 Q. And it looks like that Walmart -- This
4 particular form is dated October 1st, 2013?

5 A. That's correct.

6 Q. But it looks like you started your leave
7 several weeks before as of September 14, 2013?

8 A. That's correct.

9 Q. So you requested it, and then it took a little
10 bit of time to get all the paperwork together?

11 A. That's correct.

12 Q. So when you received this form from Walmart,
13 you understood that Walmart was granting you family and
14 medical leave; is that correct?

15 A. That's correct.

16 Q. It's stated that it started as of September
17 14th, 2013, if you kind of look at the box down below?

18 A. Yes.

19 Q. And it was going to end on 12-19-2013?

20 A. Yes, sir.

21 Q. Now, I saw some other documentation in the file
22 where actually the FMLA only extended through December
23 9th, 2013.

24 A. I saw that. Now, that's where I said that that
25 was a little different than what was submitted here. I

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1 did receive a letter from HR that said that they could
2 post my position because I wasn't there, but I had this
3 document saying that I could return when I returned.
4 And I don't know if you have a copy, but I do.

5 Q. Yes, I do, and I was a little confused about
6 that as well because I wasn't sure whether the
7 additional 10 days was under some sort of other leave
8 that you may have had.

9 A. And to be honest, the dates that were here was
10 going with my preschedule of when I was supposed to
11 work. And, actually, the 19th was actually the date
12 that I was supposed to -- it was a working shift, not an
13 off shift.

14 And if you'll see here, it's just showing that the
15 16th through the 18th would have been unpaid, but all
16 the way through the 15th was paid. So, again, when I
17 received that letter, I was concerned. And I did call
18 and was really pushing to get back to work, so that I
19 could maintain a position.

20 Q. And it did get worked out; is that correct?

21 A. Yes. I did return to work.

22 Q. And you had to leave through the 19th?

23 A. Well, I returned on the 19th, but I was sent
24 home on the 20th.

25 Q. I understand that. So you did return on the

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1 19th?

2 A. I did.

3 Q. So there was no problem with your leave from
4 the time you took it until the time you came back?

5 A. No. I was able to return on the 19th.

6 Q. And did anyone at any point express any concern
7 with you being out during that time?

8 A. Not that I recall.

9 Q. So as you sit here today, do you believe that
10 Walmart as a company or the managers at that store were
11 okay with you taking that leave?

12 A. I believe that they were fine with me taking
13 the leave, yes.

14 Q. So that turns us to the accommodation issue.
15 That's where you think they had a rub, as far as
16 providing you an accommodation; is that correct?

17 A. Yes, sir.

18 Q. Now, who do you believe had the problem with
19 the accommodation?

20 A. Luke Gleason is the first who expressed actual
21 words in terms of my accommodation.

22 Q. Tell me what he told you about that.

23 A. He said that I was treading uncharted waters
24 with getting that accommodation; no one has ever done
25 that before. And he also said that he felt like the

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1 morale of my team members would go down.

2 Q. When did he tell you that?

3 A. Upon my return.

4 Q. On the 19th or the 20th?

5 A. I believe it was the 20th when we actually had
6 a discussion about it because I asked again could I use
7 a cart when I told him that I was hurting.

8 Q. And that would have been December 20th?

9 A. Yes.

10 Q. Did you work on December 19th?

11 A. I did.

12 Q. Do you recall what shift you were working at
13 that time?

14 A. I worked -- I was scheduled to work from 8:00
15 to 6:00, if I'm not mistaken. And I actually had an
16 email where I put my shift in to Regina, and it actually
17 said the actual time. But I worked the morning shift,
18 but then once someone else called in, I was asked to
19 work additional hours because another manager was out.
20 So I ended up working from the morning until 10:00 p.m.
21 on the 19th.

22 Q. Now, did you have any discussions with Luke
23 about your accommodation on the 19th?

24 A. Yes. When I came in, I actually reported to
25 the HR office. And I brought my copies of paperwork,

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1 even though I knew that they had them. But I still
2 brought my copies in to show that I was supposed to have
3 the cart in place.

4 And, actually, I made a phone call to our
5 accommodations center, and they said that we had a
6 scooter at the store. And when I went there, they said,
7 "We haven't heard anything. We don't have that here."

8 So at that time, I asked Luke if I could do my
9 administrative duties until we get that in, since I had
10 been gone for three months, like the payroll and just
11 look at my reports and do those things and do my
12 supervisory stuff. And he told me, "No, there's no
13 administrative. You have to work freight. We're
14 getting freight to the floor, freight to the floor."

15 Q. It was the holiday season?

16 A. Right. And that's why.

17 Q. Was that on the 19th?

18 A. That was on the 19th. And I even asked him
19 could I use the store carts since they didn't have the
20 scooter in place, and he said that was for the customers
21 and I couldn't use them.

22 Q. So the 19th was the day that you came back, the
23 accommodation that the company said they would provide
24 to you wasn't in place, and you worked that day and
25 basically worked a double shift?

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1 A. Pretty much.

2 Q. Which assistant manager called in on the 19th?

3 That was pretty brave of them.

4 A. I don't remember her name.

5 Q. Okay. I'm just curious.

6 A. But one of the co-managers asked me to stay.

7 Luke was already gone, but one of the co-managers asked
8 me to stay.

9 Q. And I said that in jest a minute ago, but you
10 understand that the --

11 A. You know Walmart.

12 Q. Yes, I know Walmart, and they can't sell the
13 goods unless it's on the floor, right?

14 A. Yes, sir.

15 Q. So there's a push, and it's kind of "all hands
16 on deck" for that?

17 A. Uh-huh.

18 Q. Answer out loud yes or no. I'm sorry.
19 Sometimes we get in a tendency to shake our heads.

20 A. Yes, sir.

21 Q. Okay. I felt like you would agree with me on
22 that.

23 A. Yes, sir.

24 Q. And I understand that they didn't have your
25 accommodation available, but did you understand what the

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1 co-manager was saying about what they needed at that
2 time?

3 A. I understood what his direction was, but I also
4 know that we have staff in place that could have done
5 freight.

6 Q. Were the other assistant managers who were
7 working on that day doing freight?

8 A. I'm not sure what they were doing with their
9 department. My department was electronics and toys.
10 And, of course, with it being Christmas, he wanted me
11 working toys.

12 Q. So you kind of got the double whammy there with
13 the big department for its gifts?

14 A. Yes, sir.

15 Q. Let's go back a second. And I think just for a
16 matter of housekeeping, I want to put some documents
17 into the record for your FMLA claim.

18 A. Okay.

19 (Exhibit 2 marked for identification.)

20 BY MR. CUPP:

21 Q. I've marked this as Deposition Exhibit Number
22 2, and this appears to be the letter that you received
23 from Walmart on December 17th saying that, according to
24 the records, your FMLA leave expired on December 9th.

25 A. Uh-huh.

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1 Q. And is it your belief that Walmart complied
2 with their policy for your FMLA leave?

3 A. I do.

4 Q. When were you told that you were going to have
5 a meeting with Ms. Barnes and Ms. Hosey?

6 A. Friday when I was asked to leave the building.
7 I was asked to leave, and when I questioned Luke about
8 it and who made the decision, he said that Regina Hosey,
9 the market human resource manager, made that call.

10 So I called her. And when I spoke with her, and I
11 even asked to do my jobs, some of the other jobs that I
12 have in terms of the supervisory, or I even asked for a
13 TAD, which is the temporary alternative duty, and I
14 asked her specifically can I just greet customers or
15 answer phones, and she told me that I had to leave the
16 property immediately, and that we would meet on Monday.

17 Q. So you had that conversation on December 20th?

18 A. Yes.

19 Q. Now, had you gotten into your shift that day?

20 A. Yes, the shift had already started. I came in
21 with Luke sending all managers to the garden center
22 because overnight they had left freight in there, and so
23 we had to work the freight aisle. And I was in there
24 with them working the freight.

25 And after we had worked freight, we had our

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1 administrative team meeting. And at that meeting, I
2 guess he noticed pain in my face or something. So after
3 the meeting, he pulled me to the side and asked me how I
4 was doing. And that's when I told him I was hurting,
5 you know.

6 And then I asked could I use the cart, and that's
7 when that conversation took place that I spoke of
8 earlier. And then we went away, I went back to actually
9 do my own meeting with my own group from electronics.
10 And then I got called from that meeting back by Luke
11 Gleason, who told me at that time that I must leave the
12 premises.

13 Q. So did Luke tell you he had called somebody and
14 gotten that instruction?

15 A. That's what he told me, once he called me back
16 in. So apparently after we met and I told him that I
17 was hurting, apparently he went in and spoke with the
18 HR.

19 Q. I thought that the conversation you had with
20 him about using the cart was on the 19th?

21 A. Well, on the 19th, that was me coming back and
22 I asked for the cart. On the 20th I asked again, since
23 we didn't have anything in place. And pretty much I was
24 at the point of, if I need to work on the floor, I need
25 something for help.

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1 Q. And I understand that you did go home that day
2 on the 20th?

3 A. I did.

4 Q. And how many hours do you think you worked on
5 the 20th?

6 A. I'm not actually sure because when I went home
7 -- now, if we can reference the email, maybe it can give
8 me a point of reference. If you don't have it, I have a
9 copy.

10 Q. I think I do. We may get to it in a minute.

11 A. Okay.

12 Q. But you did work some period of time?

13 A. I did work the morning, yes.

14 Q. And then you were told to go home?

15 A. Yes.

16 Q. And, of course, you sent an email because you
17 were concerned that this was going to financially impact
18 you?

19 A. Yes because I had no more leave. And, of
20 course, if you will refer back to Exhibit 1, it said
21 that I was unpaid as of the 16th and the 18th. So
22 anything else -- if I wasn't working, I didn't think I
23 would get paid for it.

24 Q. But you did get paid for that Friday?

25 A. They ended up paying me, yes.

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1 A. Because I didn't want anybody to say something
2 and then not do it.

3 Q. And in that meeting, what I heard from the
4 recording is that they told you, at least in the first
5 part of the meeting, that they were getting the scooter,
6 or that the scooter was put on order?

7 A. Correct.

8 Q. Now, the second part of that meeting, as I
9 understood it, is when Regina Barnes took over; is that
10 correct?

11 A. Correct.

12 Q. And that's when she went back over some of the
13 Sean Copeland issues; is that correct?

14 A. That's correct.

15 Q. Now, I think you indicated earlier that that's
16 the only recording that you have?

17 A. That's correct.

18 Q. I think there were a total of six recordings
19 that we got out of the Sean Copeland EEOC file. Did you
20 listen to all of them?

21 A. I did. But in terms of listening, it actually
22 looked like some of it was a part of the same day type
23 of thing, yeah.

24 Q. All right. There are two that I'm going to
25 focus on.

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1 A. Okay.

2 Q. There was one disc, and I have it in here --

3 Well, let me back up. Did you listen to all of them?

4 A. I did.

5 Q. Do you dispute that on all those tapes, that is
6 you, that is your voice?

7 A. It is my voice.

8 Q. So we don't have any dispute there?

9 A. No dispute.

10 Q. Do you believe that any of the tapes were
11 spliced together to make it sound like you said
12 something that you actually didn't say?

13 A. On one at the beginning where it seemed like he
14 audio recorded a date, and once I listened to that same
15 audio recording, it wasn't that date. So I do feel like
16 that there was some altering done.

17 Q. All right. On one tape that I'm focusing on --
18 And let me see if it's labeled here. We're not going to
19 listen to them. I don't think there is a need to,
20 unless you want to.

21 A. Okay.

22 Q. The one that I'm referring to first is
23 referenced as "Recording from digital recorder folder
24 B." On the bottom of it, it has, "Content general
25 office discussion." And that's just for reference,

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1 okay?

2 A. Okay.

3 Q. And these are the same ones that we provided to
4 Nick. Now, are you aware of how Walmart came into
5 possession of these audio recordings?

6 A. Yes. Through EEOC.

7 Q. So you understand that when Mr. Copeland
8 resigned -- I think he turned in his letter of
9 resignation to you?

10 A. No, he didn't.

11 Q. Who did he turning that in to?

12 A. As far as my knowledge goes, because I don't
13 know since he didn't turn it in to me, I believe he
14 turned it in to the human resource manager at the store
15 where Eddie Robinson works.

16 Q. Was it the personnel manager?

17 A. I think it was. If I'm not mistaken, it's
18 Carlotta. I can't think of her last name.

19 Q. Yes, I know Carlotta. I can't think of her
20 last name either.

21 A. Okay.

22 Q. And he alleged that he resigned because he felt
23 like he was being sexually harassed?

24 A. I don't think those were the words that were
25 used because at first we had no idea who he was talking

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1 about.

2 Q. But at some point, you were told that he had
3 filed a sexual harassment charge with the EEOC alleging
4 that you had engaged in improper conduct?

5 A. No. My knowledge of it being an EEOC case came
6 later with Regina.

7 Q. But you did participate in the red book
8 investigation that took place?

9 A. There was a red book investigation that took
10 place over the summer, yes.

11 Q. And did anybody explain to you that
12 Mr. Copeland had made these allegations against you?

13 A. That was revealed to me then over the summer,
14 yes.

15 Q. And I believe you provided a written statement
16 during that red book investigation. Do you recall that?

17 A. I was out of town when we had the interview
18 with myself, Rafael Brown, Ed Robinson, and the then
19 store -- he was the level above -- the market --

20 Q. Glyn Booth?

21 A. Glyn, yes. We did a phone interview. And when
22 I returned, Rafael asked me to write a statement.

23 Q. I want to put in front of you what we're
24 marking as Deposition Exhibit 5.

25 (Exhibit 5 marked for identification.)

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1 BY MR. CUPP:

2 Q. So initially when you were interviewed, it was
3 over the phone?

4 A. My initial interview, yes, because I was in
5 Louisiana in training.

6 Q. And what I put in front of you that's marked as
7 Deposition Exhibit 5 is your handwritten statement; is
8 that correct?

9 A. This is my handwriting.

10 Q. And if you turn to the back page, I just want
11 to make sure that's your signature, correct?

12 A. This is my signature, yes.

13 Q. And it's dated June 10th, 2013?

14 A. Yes.

15 Q. Now, when you provided this, were you actually
16 at the store in Pearl?

17 A. I was at the store in Pearl when I wrote this,
18 yes.

19 Q. Who was with you at the time?

20 A. I don't believe anyone was with me. I was just
21 sitting in an office writing.

22 Q. Well, did someone refresh you on what the
23 allegations were that were made about you?

24 A. No.

25 Q. It was just Rafael had asked you to do it?

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1 A. He just asked me to write a statement, and
2 that's what I did.

3 MR. CUPP: Let's go off the record a second.

4 (A short break was taken off the record at
5 12:03 p.m.)

6 (Deposition resumed on the record at
7 12:05 p.m.)

8 BY MR. CUPP:

9 Q. Okay, we took a short break off the record so
10 Ms. Walker could read her June 10th, 2013, statement.
11 Which you did, correct, ma'am?

12 A. Yes.

13 Q. Now, is everything in this statement accurate?

14 A. It was accurate at the time of when I came back
15 and I put the statement in place. And it was based on
16 all of the questions that were asked of me at the time.

17 Q. But I thought you said no one was there at the
18 time?

19 A. No, that was asked of me from our interview
20 over the phone. I just had to recall what was asked.

21 Q. I don't know the timing here. Between the time
22 that you were interviewed over the phone and the time
23 that you wrote the statement, how long did that take?

24 A. I'm not sure because I really don't remember
25 when they called and where I was with training at the

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1 time.

2 Q. I have the various red book investigations.

3 A. Okay.

4 Q. And I know you can't authenticate this because
5 this is not your handwriting?

6 A. That's correct.

7 Q. And we'll go ahead and mark this as Deposition
8 Exhibit 6.

9 (Exhibit 6 marked for identification.)

10 BY MR. CUPP:

11 Q. It appears that there was an interview of you
12 by Glyn Booth, witnessed over the phone by Eddie
13 Robinson, on May 15th, 2013?

14 A. May 15th?

15 Q. I want to give you this, and you can look at
16 it.

17 A. Okay.

18 Q. I think this also has other --

19 A. Statements from other people?

20 Q. Yes. And I just attached them. I did
21 something that wasn't necessary. I think I just stapled
22 them together for my convenience.

23 A. That's fine.

24 Q. But we'll take -- Primarily I want you to
25 concentrate on just the date. And that appears to be a

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1 part of Walmart's normal red book investigation process
2 where the witnesses writes out what's being said, as
3 opposed to the interviewee, which is you, writing out,
4 which we have as Exhibit 5?

5 A. Right.

6 Q. If you look at the date at the top, it looks
7 like they did that on May 15th, 2013. Does that refresh
8 your recollection that it was about that time period?

9 A. I can agree with that.

10 Q. So it was a good three weeks?

11 A. Since, yes, because this would have been June
12 10th.

13 Q. So when you sat and wrote your statement out on
14 June 10th, how were you recollecting what the
15 allegations were?

16 A. Strictly by memory.

17 Q. Did you keep any notes or anything of the
18 interview process that you went by?

19 A. No, sir. I just answered questions that they
20 asked.

21 Q. And when you came back and sat down to write
22 this out on 6-10-13, you just wrote this out from your
23 memory based on what they asked?

24 A. Yes.

25 Q. Now, I know a second ago you said that, at the

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1 time you sat down to write this out, that it was
2 accurate. Have you found out something since that time
3 that makes any statement in here inaccurate?

4 A. Well, again, I wrote this statement based on
5 the questions that were asked to me that I recall. The
6 only thing since is now I have heard audio recordings
7 that may substantiate some of the conversations.

8 Q. And in particular, you state in here, "It was
9 alleged that I made or he overheard sexual comments that
10 I made about my significant other. I do not recall
11 making any such statements."

12 Well, you know now that that's inaccurate?

13 A. I know now that is inaccurate after hearing
14 that after being terminated.

15 Q. And after hearing the audio recordings that
16 Mr. Copeland made?

17 A. Yes, through my attorney.

18 Q. Right, okay. Now, in the first audio recording
19 that we're talking about, which is labeled folder B, to
20 me there wasn't much significance until we get to about
21 minute 42 -- I'm sorry, 51. There's some language, but
22 around the 51 minute, 12 second mark, you can be heard
23 humming and singing a little tune. Do you remember what
24 that tune is?

25 A. Off the bat right now, I can't remember the

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1 name of the tune. But I did hear it, and I do -- I do
2 remember that tune.

3 Q. Where were you and Mr. Copeland at that time?

4 A. We were in the office.

5 Q. Was it just y'all two?

6 A. Based on me not hearing anyone else in the
7 audio recording, I can say on that particular one
8 because I have heard others and that one, but I didn't
9 hear anyone else.

10 Q. And it sounds to me like you are working? You
11 are performing some work?

12 A. Yes.

13 Q. What's he doing?

14 A. Based on the dates -- See, we can't allow our
15 agents to go off, if they haven't finished the field.
16 And he probably was just sitting around and doing
17 paperwork or helping with papers pretty much.

18 Q. As you sit here today, do you have a specific
19 recollection of that day?

20 A. Of that day? No. But when I heard the
21 recording, I could probably remember it happening, but I
22 can't just put us on that day.

23 Q. I know it was after Christmas because there's a
24 reference made to y'all having done something over
25 Christmas with freight, y'all handled freight a certain

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1 way or something, so it seems to me like it's in
2 January. We don't have a date stamp on it.

3 A. Right.

4 Q. But would you agree that it's after Christmas
5 of December '12?

6 A. I can say that it was after Christmas, uh-huh.

7 Q. Now, in the song you were singing was a
8 reference to masturbation?

9 A. I did hear that, yes.

10 Q. Now, does that help refresh -- I mean, Nick and
11 I have talked about this, and Nick seems to think that
12 it's an actual song?

13 A. It is a song. It is.

14 Q. Who is the artist, do you know?

15 A. I want to say the artist's name is Tweet. I
16 want to say that's what it is.

17 Q. And that's around the 54 minute and 40 second
18 mark when I actually hear the word "masturbation,"
19 somewhere in that area.

20 A. Right.

21 Q. And then somewhere around the 55 minute and 5
22 second mark, Mr. Copeland says, "Does everything with
23 you have to be sexual related," and you respond, "Yes"?

24 A. I did hear that on the recording.

25 Q. And that was you, correct?

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1 A. It was me.

2 Q. Now, around the 57 minute and 30 second mark --
3 And we can go back and play any of these, if you want
4 to, okay? Because we have them here. There's again a
5 mention of, "I can pick out sex," and then you say
6 something about being welcome or unwelcome. Do you
7 recollect hearing that?

8 A. You're saying being welcome or unwelcome in
9 terms of --

10 Q. I'm just saying in terms of what you were
11 asking him, you were asking him whether it was welcome
12 or unwelcome?

13 A. I do remember that, yes.

14 Q. And what did he respond?

15 A. To my recollection, without hearing it at this
16 point, we kind of kept talking, but he was like, "Let's
17 keep it professional."

18 Q. Right. And he was using the term
19 "professional," right?

20 A. Yes, he did use the term "professional."

21 Q. And around the 59 minute and 25 second mark,
22 you then engaged with him in a conversation about a past
23 sexual harassment experience that you had while you
24 worked I believe for the YMCA?

25 A. It wasn't with the YMCA.

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1 Q. I'm sorry. Who was it with?

2 A. It was a company by the name of Builder's
3 Alternative.

4 Q. And you mentioned to him in the tape that it
5 happened about 15 years ago; is that correct?

6 A. That's correct.

7 Q. And you conveyed to Mr. Copeland that there was
8 some "fucked up shit." Do you remember that language?

9 A. I do use profanity, so, yes.

10 Q. And then you proceed to say that if someone
11 wanted to be with you, or some words to that effect,
12 they would have to have, "the biggest wallet"?

13 A. I didn't say it in that -- I don't believe I
14 said it like that, but I did allude that they would have
15 to have money, yes; that they weren't within my pay
16 grade or something like that.

17 Q. Because it would have to be someone who could
18 afford what you like to do?

19 A. I can't allude to what I was saying at that --
20 what I meant by that, but I did make a statement.

21 Q. And around the 62 minute and 54 second mark, do
22 you agree with me that you made the statement that "As
23 far as I'm concerned, a dick is a dime a dozen, and I
24 carry a dollar in my pocket"?

25 A. I did make that statement.

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1 Q. And you made that statement to Mr. Copeland?

2 A. I did.

3 Q. Do you think that was appropriate language to
4 use in conversations to have with a subordinate?

5 A. For a normal subordinate, I do not think. But
6 Sean Copeland and I had some different ties.

7 Q. What were those different ties?

8 A. He was dating my sister. Her name is Brandi
9 Caston. B-r-a-n-d-i, C-a-s-t-o-n. He was privileged to
10 know more about me than some of the others because we
11 have all ate out together with him, myself, Larry my
12 significant other, my sister, and then another one of
13 the APs met us out to eat.

14 Q. Who was that?

15 A. Gary Clemons.

16 Q. Okay.

17 A. And he asked me questions on other occasions
18 that are not recorded, you know, about my personal life
19 in terms of my boyfriend versus my husband. Because he
20 had actually seen -- He's been out with my boyfriend,
21 but he saw my husband and I at the time shopping for
22 Christmas for the kids.

23 And once he saw that, he came to me with a lot of
24 questions about, you know, "What happened with you all?
25 You all seem like you get along," you know, and kind of

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1 2013. It's hard to tell, I understand. Did Sean
2 Copeland getting together with your sister, did that
3 occur prior to that or after that?

4 A. It was prior. And I would also like to state
5 that what you are referencing, that was the last
6 conversation that we had at that level because I am a
7 professional, and if someone says keep it professional,
8 I knew then that that was time out for that and keep it
9 business.

10 Q. So you believe this was the last -- of the two
11 recordings that I'm focusing on today, that one we just
12 talked about was the last one?

13 A. Yes.

14 MR. CUPP: Let's take a break.

15 (A short break was taken off the record at
16 12:22 p.m.)

17 (Deposition resumed on the record at
18 12:29 p.m.)

19 BY MR. CUPP:

20 Q. We're back on the record after a five-minute
21 break. Ms. Walker, I want to refer to another audio
22 recording that was provided. And this is a second one
23 that's referred to as a recording from digital recorder
24 folder C. I think the first one was folder B.

25 This one is a little bit over an hour-long

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1 recording, and it starts off with you in what appears to
2 be some sort of training with a group of subordinate
3 employees; is that correct?

4 A. I believe in that recording, it was myself,
5 Sean Copeland, and Joseph Brosure.

6 Q. Do you recall if there was a third person in
7 there?

8 A. From the recordings that I heard and just in my
9 memory's sake, because I do remember when Joseph was
10 trying to get a promotion and we were talking about it,
11 so I believe it was just the three of us then.

12 Q. And in this one, these are some of the things
13 I've heard, and if you could confirm or deny it, and if
14 you can't remember we'll play it.

15 A. Yes, sir.

16 Q. But about the 7 minute and 5 second mark, you
17 are speaking to -- and, again, these are your
18 subordinate employees in there, correct?

19 A. Yes. I'm not sure if it was like that the
20 entire time, but ask the question.

21 Q. Like what? Subordinates?

22 A. Yes, I don't know. That's what I'm saying; ask
23 the question, and maybe I can tell you.

24 Q. You are talking about some of the different
25 positions within the company, and you are making

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1 reference that you don't want to be in your position for
2 too much longer, but you have to be there a year?

3 A. Right.

4 Q. And you are hoping to go into a co-manager's
5 position, rather than into an assistant manager's
6 position?

7 A. Uh-huh.

8 Q. And there's some discussion about that, and
9 then you make reference to the co-managers there, "The
10 bastards don't know what they're doing"?

11 A. I made that statement.

12 Q. You made that statement?

13 A. Yes.

14 Q. Who are you referring to there?

15 A. Well, basically, and I can't say on the record
16 or off the record, but this was kind of when we were
17 kind of breaking and talking and referring to growing
18 with the company. So it was just kind of me and the
19 guys were just talking about, you know, the company.

20 Now, per se, it wasn't anyone in particular, but
21 from what I was noticing with our co-managers, they
22 didn't have a clue because I was in asset protection and
23 they really didn't do a good job to do things to keep us
24 from having shrink.

25 Q. And then at about the 17 minute and 10 second

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1 mark, you told them a story, maybe, or about your prior
2 experience at the YMCA about setting an example for your
3 workers when you cleaned the bathroom?

4 A. Yes, I did.

5 Q. And you would admit that you used the word shit
6 quite often in that?

7 A. Yes.

8 Q. And then you proceed at about the 19 minute and
9 50 second mark to tell about a customer, a shoplifting
10 customer, who came in on the 4th of July?

11 A. Correct.

12 Q. Was that at 903?

13 A. That was at 903, yes.

14 Q. And that she was caught at the door, and then
15 she proceeded to --

16 A. We'll use the word defecate on herself. Yes.
17 Yes.

18 Q. All right. And in talking with the people
19 about that, you referred to the customer as "nasty ass"?

20 A. I did.

21 Q. "A big bitch"?

22 A. I did.

23 Q. "A dumb ass"?

24 A. Okay, yes.

25 Q. Did you refer to her as "a white bitch"?

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1 A. I may have said it, but I don't -- and I
2 probably did say that. And if I just may add, the
3 culture of our area in asset protection, profanity is
4 used. I came into it in working with guys, and that was
5 kind of common. And I had to kind of get with our lingo
6 early on, to even be successful in dealing with guys.
7 So I'm not the only person that uses profanity in that
8 area.

9 And I trained with it, and we have to do it because
10 our guys get cursed out and things, and you don't want
11 them to react with the customer. So that was kind of
12 the culture in asset protection.

13 Q. Did you experience that type of language when
14 you were going through training?

15 A. Well, I've heard -- and, yes, we even --
16 Everybody uses profanity in our office, so, yes.

17 Q. And you are talking about in asset protection?

18 A. In asset protection, yes.

19 Q. And then there is a reference at about 24
20 minutes and 26 seconds into it where one or two of the
21 guys -- And, again, it's all guys in there, right?

22 A. It was myself and the two gentlemen, yes.

23 Q. That they were going to go to the gym?

24 A. I don't recall that piece right there, but go
25 ahead.

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1 Q. All right. And at about the 25 minute and 10
2 second mark, you refer to them as your young bucks?

3 A. Okay.

4 Q. Do you agree with that?

5 A. Yes.

6 Q. At about the 25 minute and 30 second mark, you
7 state to them, "I guarantee you, you have not been done
8 like I do, and that is the truth."

9 A. I did hear that, and I'm not too sure exactly
10 what we were alluding to, but I did hear that on the
11 recording.

12 Q. Well, are you denying that it was a sexual
13 reference?

14 A. I'm not certain. I'm not certain.

15 Q. When you made the "young buck" reference, did
16 you say that, "I'm going to be teaching you something,
17 young buck"?

18 A. Yes, I remember that from the recording being
19 said, but that does not necessarily allude to something
20 sexual because in that I know I was talking to them
21 about what course to go educationally as well as within
22 the company. We were just talking about stuff kind of
23 off the record on a break.

24 Q. But you admit that's you, right?

25 A. I do admit it was said, yes.

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1 Q. About the 25 minute and 50 second mark, you
2 convey or tell a story about Larry, about having some
3 issues with Larry because you were still married to your
4 husband?

5 A. Okay, that would have been a different time
6 frame because Joseph would not have been in there during
7 that. That would have just been me and Copeland.

8 Q. Well, this is one I think we're going to have
9 to listen to.

10 A. That's fine, if you would like to listen to it.

11 Q. Yes because in this one I did catch that it was
12 done twice.

13 A. And that's what I was kind of trying to see how
14 it flowed.

15 Q. Okay, and we'll go off the record while I set
16 this up, and we'll listen to it off the record.

17 (A short break was taken off the record at
18 12:38 p.m.)

19 (Deposition resumed on the record at
20 12:40 p.m.)

21 BY MR. CUPP:

22 Q. We took a break for a second while I queued the
23 recording. I'm going to start it at the 24 minute mark.

24 A. Okay.

25 Q. I want to play it through the 28 and a half

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1 minute mark. It's going to be four and a half minutes,
2 and I know that's a long time to sit here.

3 A. That's fine.

4 Q. I think we'll take a break because we don't
5 have to be on the record for this.

6 A. That's fine.

7 (A short break was taken off the record at
8 12:41 p.m.)

9 (Deposition resumed on the record at
10 12:44 p.m.)

11 BY MR. CUPP:

12 Q. I said I was going to play it through 28 and a
13 half minutes, and I stopped it at 27:38 on the
14 recording.

15 A. Right.

16 Q. And I was asking you before we listened to the
17 tape whether you were conveying the story about Larry in
18 front of several of the --

19 A. It was the two.

20 Q. And earlier you testified that you thought it
21 was only to Sean, but you now see that it was --

22 A. It was. It was the two.

23 Q. Okay. Now, you also heard your comments that,
24 "I guarantee you, you have not been done like I do."
25 You heard that comment on there?

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1 A. I did.

2 Q. And having heard that, were you referring to
3 something of a sexual nature?

4 A. I'm still not going to say it was sexual on
5 that one, but I do say that I did make the statement
6 about Larry.

7 Q. And when you made the statement about Larry,
8 you reference you and Larry laying in bed buck naked?

9 A. I did hear that, yes.

10 Q. Right before I stopped it at 27:38, I cannot
11 make it out totally, but it seems to me that you say --
12 you are speaking sort of softly, and you say something
13 about "wrapping it around this here," and then there's a
14 chuckle from the guys. Do you remember what you said?

15 A. I do not. I do not.

16 Q. All right. We can go off the record, and I'm
17 going to play it from 27:38 for about the next minute
18 and a half.

19 (A short break was taken off the record at
20 12:46 p.m.)

21 (Deposition resumed on the record at
22 12:47 p.m.)

23 BY MR. CUPP:

24 Q. I've stopped the recording at 28:48, and I just
25 heard a comment about you "having a serious conversation

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1 with you guys" with emphasis on the word "serious"?

2 A. Yes.

3 Q. And you also talked about "stimulation of your
4 mind." Do you recall what the context of that was?

5 A. The only thing I can say just based on what
6 I've heard is that we were talking, and there have been
7 other sidebars where he has asked about me liking him.
8 But I told him, you know, he's a smart guy and he could
9 -- because he's a smart guy, he could stimulate my
10 intellect but nothing more because I wasn't interested
11 in his type of build or anything like that. So, you
12 know, we did have that conversation.

13 Q. But would you agree with me that what you just
14 heard about this serious conversation with young guys
15 with the emphasis on "serious" was in the room with both
16 of the gentlemen?

17 A. Yes.

18 Q. Do you recall that later on, on this recording,
19 that the meeting breaks up, and you go back to the
20 office with Sean?

21 A. Yes.

22 Q. And there you have -- Again, you get into your
23 relationship with Larry and your husband? Do you recall
24 that?

25 A. Not off the bat, but you can go ahead and ask

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1 the question. I'll probably remember it by your
2 question.

3 Q. Well, let's listen to it here. This is going
4 better than I thought. We're going to go off the
5 record, but I'm going to play this from the 30 minute
6 and 47 second mark, and then I'll put a notation on the
7 record when we stop.

8 A. That's fine.

9 (A short break was taken off the record at
10 12:49 p.m.)

11 (Deposition resumed on the record at
12 12:53 p.m.)

13 BY MR. CUPP:

14 Q. We've just listened to the 34 minute and 5
15 second mark of this particular recording, and you were
16 just getting ready to get into a conversation about your
17 friend?

18 A. Yes.

19 Q. I think you said Taneka (phonetic)?

20 A. Taneka.

21 Q. Taneka, okay. But prior to that, you had the
22 conversation with Sean about your relationship with
23 Larry?

24 A. Uh-huh.

25 Q. Does that refresh your recollection that that

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1 occurred?

2 A. It does, yes.

3 Q. And is it your testimony from earlier that
4 y'all had had other conversations --

5 A. Yes.

6 Q. -- about this same topic that weren't recorded?

7 A. Yes, because he came to me, and a lot of this
8 was just kind of probing. Like I hear the probing,
9 "Well, what did he say," and that kind of stuff to keep
10 the conversation going.

11 And, actually, just to put a point of reference on
12 this, this was while he was still in training and
13 couldn't go out on the floor. And it was before the
14 January 15th, which would be in folder 1, because folder
15 1 was the last one where he was actually released to
16 work. And so this was prior even to that conversation
17 about even keeping things professional.

18 But going back to that day, we have had
19 conversations because he would come to me and ask, so
20 like I said earlier, you know, "Why aren't you with your
21 husband? Y'all look like y'all are good together.
22 Larry seems like he doesn't have any ambition."

23 It would be little conversations that he would ask
24 because he actually went out with Larry and I, and he
25 saw him. And he actually met my husband at the time

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1 when we were out on the sales floor purchasing stuff for
2 Christmas.

3 But like I said, yes, the conversations happened.
4 And even to address the one with Joseph, Joseph was kind
5 of like a little brother. And he came to me, and I
6 think he even said in that, you know, "Well, answer this
7 as a friend, as my friend let's do that." So we kind of
8 had a relationship too, kind of, that we could be more
9 candid. So that's why he would have been in the room.

10 Q. But later as this proceeds, you tell a story
11 about Taneka?

12 A. Yes.

13 Q. And I think you go into a --

14 A. The drinking thing. I remember.

15 Q. But before you go into the drinking thing, you
16 talk about going to Pizza Inn, and the kids were doing
17 some sort of project?

18 A. Yes, I remember that.

19 Q. But do you recall the conversation?

20 A. I do recall that conversation, yes.

21 Q. And do you recall - and this appears at about
22 the 43:10 mark - telling Sean that on New Year's Day,
23 you and Larry woke up buck ass naked in the bed?

24 A. Yes, I did.

25 Q. In the recording that you made on December 23rd

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1 Q. So you had some notations on it?

2 A. Correct.

3 MR. CUPP: And, Nick, of course, all of this
4 has been produced. I just don't have the Bates numbered
5 copies, but y'all have them all.

6 BY MR. CUPP:

7 Q. Okay, so this was initially denied?

8 A. Yes.

9 Q. What did you do after receiving this denial
10 letter?

11 A. I followed their instructions for
12 reconsideration, so I submitted the same day a
13 reconsideration. Because when they faxed me this, they
14 also attached what the work requirements are for an
15 assistant manager.

16 And so when I looked here and they said that, "An
17 assistant manager is required to move, lift, carry, and
18 place merchandise weighing up to 25 pounds without
19 assistance, your restrictions of limited bending,
20 kneeling, and squatting to when adequate support is
21 available to assist with stability, as well as
22 standing/walking 10 minutes out of every hour prevents
23 you from performing the essential functions of your job,
24 either with or without a reasonable accommodation;
25 therefore, you cannot return to your position at this

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1 time."

2 I just want to go further to say where they said
3 something about that was my essential job duties. So
4 when I saw that, I'm like, "That's not an essential job
5 duty." So I actually took the -- the -- what do you
6 call it?

7 Q. Job description?

8 A. The job description, thank you, for an
9 assistant manager, and I wrote a statement attached to
10 it showing that that is not an essential function of my
11 job. And I asked for -- and then I kind of -- I was
12 trying to guide them on, "Hey, we can help her." I'm
13 like, "We have carts in the store," and I put that in
14 the statement.

15 Q. And I think you had mentioned something that
16 this initial letter that you are referring to it was a
17 physical activity but not an essential function?

18 A. Correct.

19 Q. All right. So --

20 A. But my scooter would allow me to still do this,
21 this one physical activity.

22 Q. So you then sent in a request for
23 reconsideration?

24 A. Correct.

25 Q. Which I'm putting in front of you and marking

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1 as Deposition Exhibit 11.

2 (Exhibit 11 marked for identification.)

3 A. Yes.

4 BY MR. CUPP:

5 Q. And then on the second page of this exhibit,
6 you explain why you believe they are wrong?

7 A. Yes.

8 Q. I don't attach the job description on this
9 exhibit, but I know what you are referencing.

10 A. Yes, sir.

11 Q. And that's your note at the bottom to the EEOC
12 agent?

13 A. Yes.

14 Q. And you explain to the EEOC why you sent this
15 in; because you felt they had your essential job
16 functions wrong?

17 A. Correct.

18 Q. All right. And to your knowledge, this was not
19 being decided at the store level; is that correct?

20 A. No, not at the store level. They actually have
21 a department, an accommodations department, that makes
22 this determination.

23 Q. It's out of Bentonville?

24 A. Yes.

25 Q. And that's Exhibit 11?

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1 A. Right.

2 Q. And then without coming right out and saying
3 you were right, they sent you a letter granting you an
4 accommodation?

5 A. The next day, yes.

6 Q. And we're going to mark that as Deposition
7 Exhibit 12.

8 (Exhibit 12 marked for identification.)

9 BY MR. CUPP:

10 Q. Is that the letter you received?

11 A. Well, I didn't receive it. The store received
12 it, and they faxed it to me. And they faxed it on the
13 18th, which was the next day, the day right before I
14 came back to work.

15 Q. I see. Now, the accommodation that was granted
16 for you was a Shoprider Start 3 Portable Scooter?

17 A. Uh-huh.

18 Q. That's different than the carts that we see the
19 customers in?

20 A. It is different from that, yes; however, I've
21 never seen one, so I don't know what it looks like. But
22 they say they have it.

23 Q. I guess the point I wanted to clarify is that
24 this was different from the customer carts?

25 A. Yes, sir.

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1 I have my papers; he wanted to send it to Melody Ezell,
2 even though we have kind of been going back and forth
3 all the while.

4 But I told him I did, and he faxed the same
5 paperwork that I had that showed my accommodation and
6 this letter. At that time, he faxed it again to
7 Ms. Ezell.

8 Q. Do you know if Luke as a store manager had ever
9 in the past had the occasion to have an associate ask
10 for a scooter like you asked for?

11 A. I don't know, but I can assume that because he
12 told me I was treading uncharted waters that this would
13 have been the first.

14 Q. Well, that's what I was wondering too. I don't
15 know is it -- In the way he told you about it, was he
16 saying, "Look, this is uncharted waters for me too here
17 because I haven't had this type of request before"?

18 A. I didn't take it that way because that -- it
19 was more so because he said that backed up behind the
20 morale issue deal. And when somebody says you are
21 treading uncharted waters, I take that as saying that's
22 somewhere that we've never gone before. But you can
23 also see it, when you mix that with the morale of other
24 employees, you know, as if you're doing something that's
25 not the norm.

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1 Q. So it's your testimony he said those two things
2 in the same --

3 A. He said those two things, yes.

4 Q. In the same conversation?

5 A. Yes.

6 Q. Back to back in the conversation?

7 A. Yes, when we met and I told him I was hurting.

8 Q. On the 19th?

9 A. No, this was the 20th with that conversation.

10 Q. That conversation of uncharted waters and
11 morale, those are the three words that came up on --

12 A. The statement, yes. And what I did was --

13 Q. -- on the 20th?

14 A. On the 20th, yes. And what I did is, when I
15 went to communicate with Regina Barnes what was going
16 on, I actually put a statement to the fact that that
17 took place. And that's in an email to Regina Barnes.

18 Q. I don't think I've seen that. Did you include
19 that in the statement to the EEOC?

20 A. It should have been.

21 Q. Why don't you give me a date?

22 A. I'll be happy to. It's right here. I sent the
23 email to her on Friday, December 20th, at 3:22 p.m. She
24 responded at 9:20 p.m. on December 20th.

25 Q. And these are documents you gave to the EEOC?

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1 A. I should have. I've given everybody the same,
2 EEOC as well as my attorney.

3 Q. Okay, why don't you bear with me and let me see
4 if I can find it here.

5 A. No problem.

6 Q. We're going to mark that email as Exhibit 14,
7 okay, Ms. Walker?

8 A. Yes, sir.

9 (Exhibit 14 marked for identification.)

10 BY MR. CUPP:

11 Q. Since you have that one right there, why don't
12 you refer to that one?

13 A. Okay.

14 Q. And I'll put this in the stack of exhibits in a
15 second.

16 A. No problem.

17 Q. So you sent the email on December 20th, which
18 is that Friday, at 2:06?

19 A. I sent it at 3:22.

20 Q. Oh, I see. You initially sent it, and
21 apparently it bounced back to you.

22 A. Okay.

23 Q. And then you resent it at 3:22, all right.

24 A. That's correct, 2:06 was the original, yes.

25 Q. What time did you go into work on December

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1 20th?

2 A. That would have been -- On here it says 8:00 to
3 6:00, so it would have been 8:00 a.m. is when I went in.
4 And I stayed until about 10:00 p.m. that night,
5 according to the email. So I was supposed to get off at
6 6:00, and I stayed until 10:00.

7 Q. I'm sorry, let me back up on that, okay?

8 A. Okay.

9 Q. In this email to Regina, you are talking about
10 the events that transpired on the 19th and 20th?

11 A. The 19th and 20th, yes.

12 Q. Right.

13 A. And I kind of broke it down for the 19th, and I
14 had made a statement, and then I said the 20th, yes,
15 sir.

16 Q. So you returned to work at 8:00 a.m. on the
17 20th?

18 A. Yes.

19 Q. I thought you just told me that the reference
20 to uncharted waters and the morale problem were set
21 forth in this email?

22 A. I'm looking now. I thought I did say that.
23 Hold on. And, actually, where that is referenced, now
24 that I see it's not there -- and it happened probably
25 when everything was going on, I wasn't thinking about it

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1 at the time. But when I actually went and found my
2 claim, if you want -- and you should have a copy of this
3 too. I put it in that.

4 Q. I do. And we're going to get into that. So
5 just so we're clear, on December 20th when the events
6 were happening, you sent this email to Regina Barnes,
7 but you don't mention the phrase uncharted waters?

8 A. I don't mention that phrase at that time, no.

9 Q. And you don't mention that Luke had said
10 something about it being a morale problem?

11 A. Not in this email.

12 Q. All right. I want to give you Exhibit 14 to
13 put in that stack right there.

14 A. Okay, thank you.

15 (Exhibit 15 marked for identification.)

16 BY MR. CUPP:

17 Q. This next exhibit is Exhibit 15. This is your
18 statement to the EEOC?

19 A. Correct.

20 Q. Is that the same one you have over there in
21 your stuff?

22 A. No.

23 Q. Well, it's --

24 A. That's what I'm trying to see, how this
25 happened or whatever, because this is one that wasn't

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1 dated. They are different.

2 Q. They are different?

3 A. Yes. And that's what I'm trying to see is how
4 could that be, which maybe why I had this original.

5 MR. CUPP: Nick, did you want to see this?

6 MR. NORRIS: I've seen it.

7 MR. CUPP: You've seen it? Do you know what
8 the difference is?

9 A. Because I see it's not dated. I'm looking. It
10 may be that I had started writing it and rewrote it
11 there. But I still mention that in their statement,
12 though, a little different.

13 BY MR. CUPP:

14 Q. It looks like the EEOC is the -- it looks like
15 this is a maybe draft version of it?

16 A. Because that's like the original intake, I
17 think.

18 Q. Okay, we're going to include Exhibit 15 as the
19 official -- That's your official statement that went to
20 the EEOC file?

21 A. Right.

22 Q. All right. So we're going to include as
23 Exhibit 15 as the official -- your official statement
24 that went into the EEOC file.

25 A. Okay.

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1 use that cart. And then here you are Monday saying it's
2 okay."

3 Q. So Monday, at least the first part of that
4 conversation about the cart, that was resolved to your
5 satisfaction?

6 A. It was.

7 Q. All right. Do you possess any knowledge that
8 Luke had any input into the decision to discharge you?

9 A. I wouldn't know because, when I was called
10 back, I was terminated and turned in keys, and that was
11 it.

12 Q. Who informed you that you were terminated?

13 A. I was called back by Ms. Regina, and she asked
14 me could I come back into the store that day. And I
15 came back on the afternoon side because I went to get my
16 hair done. And so when I got done getting my hair done,
17 I went there. And at that time, she said based on their
18 investigation that they were terminating me.

19 Q. Did you record that conversation?

20 A. No. And I asked, but she told me that she
21 didn't want her voice on anything.

22 Q. Oh, you asked to record it?

23 A. I asked at that time, yes, because I really
24 wanted to see if they wanted to go on record saying
25 that, with me not being able to put on a case or

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1 anything.

2 Q. And just so we're clear, the case that you
3 believe you would have been able to put on would have
4 been to better explain the relationship that you had
5 with Mr. Copeland?

6 A. Correct, as well as I could have added that
7 after he said to keep things professional, there was
8 nothing else. He had no other recordings after that, so
9 which means that I complied.

10 Q. All right. Other than the statement from Luke
11 about uncharted waters and morale, did any other Walmart
12 manager use language such as that to you?

13 A. No.

14 Q. Did any associate say anything to you?

15 A. No. We had no type of communication about
16 that. It was just a normal workday again.

17 Q. And, again, I don't want you to repeat what
18 Luke told you, and I may be repeating my question, but I
19 just need to make sure. Was there any other Walmart
20 manager who you will testify said something that you
21 believe was inappropriate regarding your accommodation
22 request?

23 A. No. The only thing, like I said, was Luke's
24 statement to me. And that's, again, in hindsight after
25 everything had happened, it kind of led me to believe

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1 that they were going toward looking for a reason to
2 terminate me and to prevent me from being able to use a
3 scooter.

4 And then the fact that Regina Hosey, you know, made
5 me go home when they could have allowed me to do another
6 duty. Those were the two things that I felt like they
7 did against me.

8 Q. I understand. And you were concerned about
9 going home because you were concerned, in part, that you
10 weren't going to get paid?

11 A. Correct.

12 Q. But they did pay you?

13 A. They did at the end, yes.

14 Q. All right. I want to take a few minutes -- and
15 we're going to mark this as Exhibit 17.

16 (Exhibit 17 marked for identification.)

17 BY MR. CUPP:

18 Q. These are your responses to the interrogatories
19 that we sent. All I'm going to ask you to do -- I don't
20 think I'm going to ask you about anything in here, but
21 I'll look to see while you are reviewing them. But I
22 just need you to read through them and acknowledge to me
23 whether they are accurate, true, and correct, or whether
24 there's anything in here that needs to be changed, okay?

25 A. Okay.

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1 work take place.

2 Q. So as you sit here today, you're telling me
3 that you would have preferred to have been called in
4 earlier to discuss these red book allegations?

5 A. I'm not saying what a preference date is. I'm
6 saying that if they knew ahead of time that they wanted
7 to deal with that, then they would have brought me in,
8 if they didn't have my accommodations in place, before
9 putting me on the floor to work.

10 Q. Is it accurate to say, Ms. Walker, that with
11 respect to the communications that were going on between
12 you and Regina Barnes or Regina Hosey while you were on
13 leave regarding that time off policy, that was initiated
14 by you? The inquiries were initiated by you?

15 A. The inquiry was initiated by me. And, yes, she
16 did respond. But if she can make the same comment on
17 the day that she met that she wanted to wait, she could
18 have even just said, "We'll talk about it when you
19 return."

20 Q. But just to be clear, the company
21 representatives were responding to your questions about
22 the paid time off policy because you were asking them
23 questions about that?

24 A. That's correct.

25 Q. All right. Now, the last exhibit I think is

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1 CERTIFICATE OF COURT REPORTER

2 I, BECKY LYNN LOGAN, Court Reporter and Notary
3 Public, in and for the County of Rankin, State of
4 Mississippi, do hereby certify:

5 That on the 21st day of October, 2015, there
6 appeared before me CHERYL BOWDEN-WALKER;

7 That the witness was sworn by me to tell the
8 truth, the whole truth, and nothing but the truth in
9 said cause;

10 That the foregoing pages contain a full, true,
11 and correct transcription of all testimony of said
12 witness as taken by me at the time and place heretofore
13 stated;

14 That I am not of kin or in anywise associated
15 with any of the parties to said cause of action or their
16 counsel, and that I am not financially interested in the
17 action.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and seal, this the 29th day of October, 2015.



24

25

BECKY LYNN LOGAN, RPR, CCR #1750

MY COMMISSION EXPIRES: November 28th, 2017